

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leilani Rhodes	Team: Squad #9	CCRB Case #: 201903423	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 04/___/2019 8:00 PM	Location of Incident: Unknown	Precinct: 42	18 Mo. SOL 10/1/2020	EO SOL 5/18/2021	
Date/Time CV Reported Thu, 04/11/2019 11:20 AM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 04/22/2019 11:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Duerr	01294	953830	042 PCT
2. POF Merita Hoxha	11713	955988	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joseph Duerr	Abuse: Sergeant Joseph Duerr stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Joseph Duerr	Abuse: Police Officer Merita Hoxha searched § 87(2)(b)	
C.SGT Joseph Duerr	Abuse: Sergeant Joseph Duerr searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha damaged § 87(2)(b)'s property.	
E.SGT Joseph Duerr	Abuse: Sergeant Joseph Duerr failed to provide § 87(2)(b) with a business card.	
F.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
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§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint with IAB on April 11, 2019, generating Original Log Number 2019-14294. The CCRB received this case on April 22, 2019.

On an unknown date in April 2019, at approximately 8 p.m., at an unknown location in the Bronx, § 87(2)(b) was driving his 2009 Mercedes Benz accompanied by his friends, § 87(2)(b) and § 87(2)(b) and his cousin, § 87(2)(b) when he was stopped by Sgt. Joseph Duerr and PO Merita Hoxha from the 42nd Precinct (**Allegation A: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) provided cell phone video footage in which § 87(2)(b) alleged that PO Hoxha searched his person (**Allegation B: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) stated that PO Hoxha searched his vehicle and damaged his property (**Allegation C, Allegation D: Abuse of Authority – § 87(2)(g)**). PO Hoxha and Sgt. Duerr failed to provide business cards upon request to § 87(2)(b) (**Allegation E, Allegation F: Abuse of Authority – § 87(2)(g)**). § 87(4-b), § 87(2)(g) No arrests were made, and no summonses were issued during this incident.

§ 87(2)(b) provided three cell phone recorded videos of the incident (Board Review 07, 08, 09). § 87(4-b), § 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Joseph Duerr stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Merita Hoxha searched § 87(2)(b).

Allegation (C) Abuse of Authority: Sergeant Joseph Duerr searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (D) Abuse of Authority: Police Officer Merita Hoxha damaged § 87(2)(b)'s property.

§ 87(2)(b) stated that PO Hoxha and Sgt. Duerr pulled him over in a residential area in the Bronx. His cousin, § 87(2)(b) and his friends, § 87(2)(b) and § 87(2)(b) were also in the vehicle. PO Hoxha approached the driver's side of his car, and Sgt. Duerr approached the passenger's side of his car. PO Hoxha asked § 87(2)(b) for his license and registration and then went back to the police vehicle. When PO Hoxha returned with § 87(2)(b)'s documents, Sgt. Duerr asked § 87(2)(b) and his passengers to exit the vehicle. They complied and stood behind the vehicle as instructed. PO Hoxha searched § 87(2)(b)'s car for about five minutes and then told the occupants that they were free to go. § 87(2)(b) stated that his person was never searched, and he did not observe either of the officers search any of the passengers.

§ 87(2)(b) stated that PO Hoxha damaged a compartment in his car, located in the front of the car by the radio. He stated that "she snatched it out of the car," and that he did not know where it went. He added that PO Hoxha ripped the rug by the sunroof in his car and that the pocket behind the driver's seat and front passenger's seat was "hanging off." He did not provide any pictures of the damage. § 87(2)(b) stated that he was not arrested and did not receive any summonses or documentation regarding the stop or search of his car. (Board Review 01).

§ 87(2)(b) did not know the incident location and stated that he could not remember the incident date, because he was pulled over several times in April 2019. He stated that it may have been between April 7, 2019, and April 19, 2019.

The investigation made several attempts to contact the witnesses, however, they were unavailable to the investigation.

§ 87(2)(b) provided cell phone videos recorded by § 87(2)(b). Each video is 22 seconds in length. The videos show § 87(2)(b) alleging that PO Hoxha searched him and searched § 87(2)(b)'s car without consent. PO Hoxha is seen searching the front passenger's seat and back right passenger's seat of § 87(2)(b)'s vehicle. Sgt. Duerr is seen standing in front of an unmarked vehicle wearing a grey hooded sweatshirt and grey jeans. The videos also show PO Hoxha searching the driver's seat of § 87(2)(b)'s car. She then tells the occupants of the vehicle that they are free to go. (Board Review 07, 08, 09).

Sgt. Duerr and PO Hoxha both stated that they did not remember this incident. Both officers were shown the video footage § 87(2)(b) provided. PO Hoxha confirmed that she and Sgt. Duerr were seen in the video, and that she was the female officer searching the vehicle, but it still did not refresh their independent recollection of the incident. (Board Review 02, 03).

The investigation was unable to determine an incident date for this incident. § 87(2)(b) initially filed this complaint on April 11, 2019, for an incident that occurred on April 10, 2019, but during a subsequent call, on April 24, 2019, he said he did not want to complain about that incident but about others. He stated that on several occasions he was stopped, and his vehicle searched by officers before they let him go. He further stated that he would send a video from a police incident that took place a few weeks ago. Later the same day, he sent the videos attached to this case. During his CCRB interview on May 3, 2019, § 87(2)(b) stated he believed this incident with PO Duerr and PO Hoxha occurred between April 7, 2019 and April 19, 2019 but was unable to determine the incident date because he was pulled over several times in April 2019. None of the civilians were arrested or issued a summons during this incident.

The videos § 87(2)(b) provided were not dated and were recorded by § 87(2)(b) who was unavailable to the investigation. Therefore, the investigation was unable to retrieve the date from his phone.

Warrant search results indicated that neither Sgt. Duerr nor PO Hoxha ran a warrant check for § 87(2)(b) or his vehicle in the month of April. The only warrant audits conducted for § 87(2)(b) during the time frame April 7, 2019 to April 19, 2019, were on the day he was summonsed (April 10, 2019) and when he filed this complaint by IAB (April 11, 2019). (Board Review 12) Warrant search results for the month of March 2019 were also requested but provided no search results involving Sgt. Duerr and PO Hoxha. (Board Review 15)

Memo book entries for this period were requested from Sgt. Duerr and PO Hoxha for the time frame mentioned by § 87(2)(b) but there were no memo book entries regarding this incident (Board Review 10, 11)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) .

Allegation (E) Abuse of Authority: Sergeant Joseph Duerr failed to provide a business card to

§ 87(2)(b) .

Allegation (F) Abuse of Authority: Police Officer Merita Hoxha failed to provide a business card to § 87(2)(b)

While the incident date and some of the facts of this incident are unknown, it is undisputed that Sgt. Duerr and PO Hoxha searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) stated that after his vehicle was searched, he asked PO Hoxha, “Can I have a business card?” about three or four times, and she never responded to his request, nor did she provide a business card. He stated that he asked Sgt. Duerr the same question, and he verbally provided the precinct he works for and his badge number, but never provided a business card.

§ 87(2)(b) provided cell phone video to the CCRB. At seven seconds into the video, located in IA 17, PO Hoxha concludes the search of the vehicle, and begins walking back towards her vehicle. Sgt. Duerr states, “Alright fellas. I appreciate it.” The civilians then ask PO Hoxha for her name, which she provides, and tells the civilians that they may go back to their vehicle. They then ask for both PO Hoxha’s and Sgt. Duerr’s shield numbers, which they both provide, and then the video ends. (Board Review 09)

As discussed above, Sgt. Duerr and PO Hoxha did not have independent recollections of the incident and the witnesses were unavailable to the investigation.

An officer should offer a business card to a civilian at the conclusion of a law enforcement activity that does not result in an arrest or summons. A law enforcement activity includes searches of persons and their property, including vehicles. **NYC Administrative Code 14-174** (Board Review 14)

§ 87(2)(g) [REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)
[Redacted text block]

[Redacted text block]

[Redacted text block]

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§ 87(4-b), § 87(2)(g)
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Civilian and Subject Officer CCRB Histories

- § 87(2)(b)
[Redacted text block]

- § 87(2)(b)
- § 87(2)(b)
- Sgt. Duerr has been a member of service for seven years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated.
- PO Hoxha has been a member of service for six years and has been a subject in nine CCRB complaints and 33 allegations, one of which was substantiated:
 - CCRB 201806458 involved substantiated allegations of a frisk, question and search of a person. The CCRB recommended Command Discipline B. The NYPD imposed formal training.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) rejected mediation.
- § 87(2)(b)
- As of February 13, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 06).

Squad No.: 9

Investigator:	<u>Leilani Rhodes</u>	<u>Inv. Leilani Rhodes</u>	<u> </u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>8/20/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	<u> </u>	<u> </u>	<u> </u>
	Signature	Print Title & Name	Date